

FILED

December 4 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0516

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

NIEL KELLY MULLARKEY,

Defendant and Appellant.

FILED

DEC 04 2009


*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**ORDER**

Upon consideration of Appellant's motion for extension of time, and good cause appearing therefore,

IT IS HEREBY ORDERED that Appellant is granted an extension of time to and including February 5, 2010, within which to prepare, file, and serve its opening brief on appeal.

DATED this 4<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
JUSTICE

ORDER